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EXAMINER

ROHRHOFF, DANIEL J

ART UNIT

PAPER NUMBER

3637

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/582,209

**Applicant(s)**

BRACHERT, RAINER

**Examiner**

DANIEL ROHRHOFF

**Art Unit**

3637

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-23, 29-31 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 24-28, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Claim Objections***

1. Claim 17 objected to because of the following informalities: "first and second multiple-articulation hinge" should read -- first and second multiple-articulation hinges--. Appropriate correction is required.
2. Claim 19 objected to because of the following informalities: "multiple-articulation hinge" should read --multiple-articulation hinges--. Appropriate correction is required.
3. Claim 26 objected to because of the following informalities: "an other hole of the holes" should read --another hole of the holes--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 15, 17 & 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claims 15 & 35, the phrase "cabinet-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
7. Claim 17 recites the limitation "the hinge arm"" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15-19, 21-23, 29-31 & 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani (US patent 5,471,709) in view of Mansfeld (GB 708,367).

10. Regarding claim 15, Lanzani discloses a housing for a cabinet-like household appliance, comprising a body (4) and at least one door (6 & 7), which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge (1 located at the top and bottom of door), wherein the door is supported on an upper supporting surface (underside of 5b in Fig. 2 of the top hinge) of the first multiple-articulation hinge and a lower supporting surface (underside of 5b in Fig. 2 of the bottom hinge) of the second multiple-articulation hinge. Lanzani does not disclose using a shim to space the door from the hinge. Mansfeld teaches at least one shim inserted (11) between a door (7) and a supporting surface (3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include a shim between the supporting surface of the hinge and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

11. Regarding claim 16, Lanzani, as modified by Mansfeld, does not teach a plurality of shims between the supporting surfaces and the door. Mansfeld further teaches a plurality of shims (11 in Fig. 5) inserted between the supporting surfaces and the door (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include a plurality of shims between the supporting surfaces and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

12. Regarding claim 17, Lanzani, as modified by Mansfeld, teaches a housing wherein the supporting surfaces are arranged on a support element (5) which is disposed on a hinge arm (10) of the first and second multiple-articulation hinges which is coupled to the door (Fig. 2).

13. Regarding claim 18, Lanzani, as modified by Mansfeld, does not teach a housing wherein the shims have a rectangular basic outline and are made of plastic injection molding. It would have been an obvious manner of design choice to one of ordinary skill in the art at the time of the invention to modify the shims of Lanzani, previously modified by Mansfeld, into the shape of a rectangle to match the shape of the support element (5), since it would have hidden the shim between the door and the support element. It would have been an obvious matter of material selection to one of ordinary skill in the art at the time of the invention to make the shims of a plastic injection molding, since it would have lowered cost and weight.

14. Regarding claim 19, Lanzani, as modified by Mansfeld, teaches a housing wherein a heat-insulating body of the door (6) is arranged between the supporting

surfaces of the multiple-articulation hinge (Fig. 2) and the multiple-articulation hinges are concealed behind edge sections of the door (7 in Fig. 3) projecting over the body (Fig. 3).

15. Regarding claim 21, Lanzani, as modified by Mansfeld, discloses a housing wherein the supporting surface is connected to the door by means of at least one screw (21c) on at least one of the multiple-articulation hinges (Fig. 3).

16. Regarding claim 22, Lanzani, as modified by Mansfeld, teaches a housing wherein the screw extends through an oblong hole (21b) of the supporting surface (Fig. 3).

17. Regarding claim 23, Lanzani, as modified, teaches a housing wherein the oblong hole is aligned parallel to the door (Fig. 3 shows 21b is parallel to the front face of the door).

18. Regarding claim 29, Lanzani discloses a refrigerator comprising: a housing including a body (4) and a door (6 & 7); first and second multiple-articulation hinges (1 located at the top and bottom of door) coupling the door to the body in a manner that enables the door to swivel, wherein the door is supported with an upper supporting surface (underside of 5b in Fig. 2 of the top hinge) of the first multiple-articulation hinge and a lower supporting surface (underside of 5b in Fig. 2 of the bottom hinge) of the second multiple-articulation hinge. Lanzani does not disclose at least one shim removably inserted between the door and one of the supporting surfaces. Mansfeld teaches at least one shim (11) removably inserted between a door (7) and a supporting surface (3). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the hinges of Lanzani to include a shim between the supporting surface of the hinge and the door as taught by Mansfeld, since it would have allowed for vertical adjustment of the door with respect to the body.

19. Regarding claim 30, Lanzani, as modified by Mansfeld, does not disclose a refrigerator further comprising a plurality of shims removably inserted between the supporting surfaces and the door, the position of the door with respect to the body being adjustable in a vertical direction in response to the number of shims disposed between the supporting surfaces and the door. Mansfeld further teaches a plurality of shims (11 in Fig. 5) removably inserted between a supporting surfaces (3) and a door (7), the position of the door with respect to a body (4) being adjustable in a vertical direction in response to the number of shims disposed between the supporting surfaces and the door (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the refrigerator of Lanzani, previously modified by Mansfeld, to include a plurality of shims between the supporting surfaces of the door to adjust the position of the door with respect to the body as taught by Mansfeld, since it would have allowed the door to align with the body.

20. Regarding claim 31, Lanzani, as modified by Mansfeld, discloses a refrigerator comprising a mounting bracket (16) coupled between the first multiple-articulation hinge and the door (Fig. 2) and permitting the door to be adjusted in a horizontal direction with respect to the body (the abstract reads the second support member also includes adjustment structure (16) enabling adjustment of the horizontal...position of the panel (7) relative to the door (6)). Since the examiner is considering the door to comprise of

the door 6 and its front panel 7 to door is obviously adjusting its horizontal position relative to the body).

21. Regarding claim 34, Lanzani, as modified by Mansfeld, does not disclose the shim inserted between the door and the supporting surface to cause the door to be adjusted in a vertical direction with respect to the body. Mansfeld further teaches the shims (11) inserted between the door (7) and the supporting surface (3) to cause the door to be adjusted in a vertical direction with respect to a body (4) (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld, to include a shim between the door and the supporting surfaces as taught by Mansfeld, since it would have allowed the door to be adjusted vertically relative to the body.

22. Regarding claim 35, Lanzani discloses a housing for a cabinet-like household appliance, comprising: a body (4); at least one door (6 & 7) coupled to the body in a manner that enables the at least one door to swivel with respect to the body, the at least one door being vertically adjustable with respect to the body (the abstract reads the second support member also includes adjustment structure enabling adjustment of the ... vertical position of the panel (7) relative to the door (6). Since the examiner is considering the door to comprise the door 6 and its front panel 7 to door is obviously vertically adjusting relative to the body); at least one first multiple-articulation hinge (1 at the bottom of the body), wherein a lower end of the door is supported on an upper supporting surface (5b of the hinge at the lower end of the body) of the first multiple-articulation hinge; at least one second multiple-articulation hinge (1 at the top of the



body), wherein an upper end of the door is supported by a lower supporting surface (5b of the hinge at the top) of the second multiple-articulation hinge. Lanzani does not disclose at least one shim between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge, the at least one shim vertically adjusting a position of the door with respect to the body. Mansfeld teaches at least one shim (11) between the lower end of a door (7) and the upper supporting surface (1a) of a hinge (1), the at least one shim vertically adjusting a position of the door with respect to the body (Col. 3: lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani to include at least one shim between the upper and lower ends of the door and the supporting surface of the multiple articulation hinges to adjust the vertical position of the door as taught by Mansfeld, since it would have allowed the door to align with the body.

23. Regarding claim 36, Lanzani, as modified by Mansfeld, does not teach a housing wherein the at least one shim includes a plurality of shims, wherein at least one first shim of the plurality of shims is between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and wherein at least one second shim of the plurality of shims is between the upper end of the door and the lower supporting surface of the second multiple-articulation hinge. Mansfeld further teaches a plurality of shims (11 in Fig. 5) between the lower end of a door (7) and an upper supporting surface (1a) of a hinge (1) (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani,

previously modified by Mansfeld, to include a plurality of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge as taught by Mansfeld, since it would have adjusted the vertical position of the door. It also would have been obvious to one of ordinary skill in the art at the time of the invention to include shims between the upper end of the door and the lower supporting surface of the second multiple-articulation hinge since it is merely duplicating the hinge from the bottom end of the door.

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and further in view of Richardson et al. (US patent 5,113,628).

25. Lanzani, as modified by Mansfeld, does not teach a glass door. Richardson et al. teaches a housing wherein an outer wall of the door is formed by a glass pane (Col 2: 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door of Lanzani, previously modified by Mansfeld, to include a glass pane as taught by Richardson et al., since it would have allowed the user to see inside the housing.

26. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and further in view of Horgan, Jr. (US patent 3,555,733).

27. Regarding claim 37, Lanzani, as modified by Mansfeld, does not teach a housing wherein the plurality of shims includes a predetermined total number of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge. Horgan, Jr. teaches a predetermined total number of

shims (28 & 29) between left and right support surfaces of a hinge (Fig. 3) (Col. 2: lines 51-55). While this teaches horizontal adjustment it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld, wherein the plurality of shims includes a predetermined total number of shims between the lower end of the door and the upper supporting surface of the first multiple-articulation hinge, and the upper end of the door and the lower supporting surface of the second multiple-articulation hinge as taught by Hogan, Jr., since it would have allowed the position of the door to be set relative to the body.

28. Regarding claim 38, Lanzani, as modified by Mansfeld and Horgan, Jr., does not teach a housing wherein a number of the at least one first shim of the plurality of shims is different than a number of the at least one second shim of the plurality of shims. Horgan, Jr. further teaches a number of the at least one first shim (28) is different than a number of the at least one second shim (29) (Col. 2: lines 51-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Lanzani, previously modified by Mansfeld and Horgan, Jr., wherein a number of the at least one first shim of the plurality of shims is different than a number of the at least one second shim of the plurality of shims as taught by Horgan, Jr., since it would have allowed the vertical position of the door to be adjusted.

***Allowable Subject Matter***

29. Claims 24-28 & 32-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

30. Applicant's arguments, see page 8, filed 5/21/09, with respect to the drawings have been fully considered and are persuasive. The objection to the drawings has been withdrawn.

31. Applicant's arguments, see pages 9-10, filed 5/21/09, with respect to the specification have been fully considered and are persuasive. The rejection of claims 15-33 under 35 U.S.C., 1<sup>st</sup> paragraph, has been withdrawn.

32. Applicant's arguments filed 5/21/09 with respect to the claim 15, 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection have been fully considered but they are not persuasive. Applicant is reminded the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

33. Applicant's arguments, see page 12, filed 5/21/09, with respect to the claim 26, 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection have been fully considered and are persuasive. The rejection of claim 26 under 35 U.S.C. 2<sup>nd</sup> paragraph, has been withdrawn.

34. Applicant's arguments, see pages 12-14, filed 5/21/09, with respect to the claim 32, 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection have been fully considered and are

persuasive. The rejection of claim 32 under 35 U.S.C. 2<sup>nd</sup> paragraph, has been withdrawn.

35. Applicant's arguments filed 5/21/09 with regards to the rejection under 35 U.S.C. 103 of claims 15-19, 21-23 & 29-31 have been fully considered but they are not persuasive.

36. Regarding the argument that Lanzani has nothing to do with adjusting the door with respect to the body of the refrigerator. The examiner is considering the front panel (7) to be part of the door (6), therefore when an adjustment is made to the position of the front panel or the position of the door, the position of the door with respect to the body (4) is changing.

37. Regarding the argument that inserting shims between the door and the hinge would adjust the door in a horizontal direction, the examiner disagrees. Inserting a plurality of shims between the supporting surfaces of the upper and lower hinges (as indicated in the rejection of claim 15 above) and the door would provide for a change in the vertical position of the door relative to the body. The horizontal adjustment as pointed out by the applicant would be made if the plurality of shims were inserted between the door and the front panel.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL ROHRHOFF whose telephone number is (571)270-7624. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R./  
Examiner, Art Unit 3637  
7/13/09

/Lanna Mai/  
Supervisory Patent Examiner, Art Unit 3637